



Dec. 4, 2018

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Dec. 4, 2018 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and five council members were present as the meeting opened.

**Council Members Present:** Mayor Sears, Councilmen Dan Berry, Tom O'Brien and Peter Villadsen and Councilwomen Cheri Lee and Christine Kelly.

**Council Members Absent:** None.

**Staff Members Present:** Randy Harrington, town manager; Daniel Weeks, assistant town manager; John Schifano, town attorney; Linda Harper, deputy town clerk (recording the minutes); Gina Clapp, director of planning and zoning; Melissa Sigmund, principal planner; Leroy Smith, fire chief; Paul Allen, real estate acquisition agent; John Herring, police chief; Mary Hogan, finance director; Adam Huffman, assistant parks and recreation director; Mark Andrews, public information officer; Tamara Ward, communications specialist and Jeff Wilson, information technology director.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Jonathan Sherrod, pastor of the Kirk of Holly Springs.

**4. Agenda Adjustment:** The Dec. 4, 2018 meeting agenda was adopted with changes as listed: Remove item 9b. Voorhees Subdivision major subdivision, add to Jan. 15<sup>th</sup> agenda.

**Motion by:** O'Brien

**Second by:** Villadsen

**Vote:** Unanimous

**5. Public Comment:** At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council on any variety of topics not listed on the night's agenda. The following comments were recorded:

Benjamin Baisley, of 6012 Fauette Lane, Holly Springs, said that he attends Holly Grove Middle School and spoke on classrooms overcrowding. He asked what was being done about the growth in Holly Springs that was affecting overcrowding in public school classrooms.

Mayor Sears said the town is working on the growth issue and with additional schools coming to Holly Springs that will help that overcrowding in the public school system.

**6a. Holly Springs All-star State Championship Soccer Recognition –** Christopher Champion of the Parks and Recreation Department recognized the 10u girls, 12u girls and 12u boys all-star teams for winning the Statewide Athletic Committee State championships.

**Action:** None.

**6b. Holly Springs School of Dance Recognition -** Mayor Sears recognized the Holly Springs School of Dance select team who traveled to New York City to perform in the Macy's Thanksgiving

Day Parade. Under the direction of Marilyn Chappell, 45 young talented dancers from Holly Springs were part of the larger 600-member Spirit of America Dance Stars.

**Action:** None.

**6c. Tennis Team League Champions Recognition** - Mayor Sears presented certificates to recognize the accomplishment of the USTA (United States Tennis Association) 18+ 2.5 summer singles players from Holly Springs.

He said the local players won the league with a record 9 wins / 1 loss among the 11 teams in the league.

With their league championship win, the team was invited to the State Championships in Goldsboro in October where they placed second in the state for 2.5 summer singles.

**Action:** None.

**7a. Springs Fest** – Ms. Christine Quante gave a presentation to highlight “Springs Fest” which is an exciting event to showcase our Town to residents, businesses and tourists planned for April 27, 2019. She said Chamber is working with Parks and Recreation staff for resource costs and partnering with NC Spring Class Race. There will be vendor tents, classic car show, food truck rodeo and bounce houses for the kids. She said more information will be forthcoming at a future Council meeting.

**Action:** None.

**7b. Audit Report** – Mr. Tom McNeish, of Elliot Davis, PLCC audit firm presented a report and management letter following the firm’s annual audit of the Town’s financial statements for the fiscal year ending June 30, 2018.

He reviewed the following reports with Council Members:

- Governmental Fund Financial Statements: Statement of revenues, expenditures, and changes in fund balance and changes in budget to actual - general fund.
- Compliance Section of the audit report.

**Action:** The Council approved a motion to accept the annual audit of the Town’s financial statement report and management letter for the fiscal year ending June 30, 2018.

**Motion by:** Berry

**Second by:** Lee

**Vote:** Unanimous

*A copy of the Fiscal Year Audit Report ending June 30, 2018 can be reviewed in the Town of Holly Springs Finance Department.*

**8. Consent Agenda:** The Council approved a motion to approve all items on the Consent Agenda. The motion carried following a motion by Councilman O’Brien, a second by Councilman Villadsen and a unanimous vote. The following actions were affected:

**8a. Minutes** – The Council approved minutes of the Board’s meetings held Nov. 13 and 20, 2018.

**8b. Ivy Arbor Way Right of Way** – The Council adopted Resolution 18-45 closing order for a portion of Ivy Arbor Way right of way. *A copy of the Resolution 18-45 is attached to these minutes.*

**9a. Ordinance 18-14, Town Code Amendments** – Ms. Clapp said town staff has identified a few areas with conflicting regulations between the Town Code and the Town Code Appendix A: Unified Development Ordinance. This amendment will remove the conflicting regulations by eliminating these rules from the Town Code “proper” and maintain the more current regulations as adopted in

the Unified Development Ordinance. These amendments will eliminate opportunities for confusion or conflicting regulation by being included in two different ordinance books.

Ms. Clapp review the following ordinance amendments:

1. Add to Table of Contents:
  - Appendix A: Unified Development Ordinance (incorporated by reference) in accordance with Town Ordinance 02-14;
2. Part II, Chapter 2, Article I, Section 2-1. - Extraterritorial Jurisdiction:
  - maintain NCGS reference and remove current guidelines (no longer valid as our population is now greater than 10,000/25,000);
3. Part II, Chapter 4, Article VI: Home Occupations;
  - Note: This section was replaced when the UDO was adopted in November 2002 and being evaluated with annual UDO updates;
  - Eliminate specific regulations and reference regulations in UDO;
4. Part II, Chapter 6 –Code Enforcement, Article I, Section 6-68 - Enforcement of zoning ordinance.
  - remove language regarding permit review if building code does not enforce zoning ordinance;
5. Part II, Chapter 6 –Code Enforcement, Article I, Section 6-140:
  - Town Council hears appeals to Building Code inspector determinations not Board of Adjustment;
6. Part II, Chapter 6, Article V, Health and Sanitation, Division 2- Abandoned, Junked and Nuisance Vehicles, Section 6-203 Administration:
  - Police assists with coordinating the towing of vehicles not Public Works;
7. Chapter 14 –Public Works, Article IV, Streets, sidewalks and other public places, Division 3.5 Developer Agreements:
  - Clarify that Development Agreements may include items by multiple departments, not just Planning & Zoning.

**Action:** The Council approved a motion to adopt Ordinance 18-14 to approve and adopt amendments to the Holly Springs Town Code.

**Motion by:** Villadsen

**Second by:** Lee

**Vote:** Unanimous

*A copy of the Ordinance 18-14 is attached to these minutes.*

**9b. Voorhees Subdivision, 18-MAS-02-** This agenda item was removed from the agenda during agenda adjustment to be added to the January 15, 2019 agenda.

**10. Other Business:** None that resulted in Council action.

**11. Manager's Report:** Mr. Harrington reminded the Council of the annual business appreciation reception at the Cultural Center on Thursday, Dec. 6, from 5:30 p.m. to 7:30 p.m.

He reported on House Bill 1110 of local legislation introduced this week and up for a public hearing in the House State and Local Government Committee.

He said that this legislation will have significant impacts to the delivery of fire services within areas of Wake County.

Chief Smith said if adopted, HB1110 would result in the following:

- Remove Fairview fire district from the Wake County fire service district
- Reestablish the prior Fairview fire tax district
- Set the fire tax for the reestablished district
- Transfer all county owned property to the reestablished district
- All privately raised funds within the district would be available for use by the department
- Creates a new board of directors to operate the reestablished district

He explained that this bill will take funds away from other areas and that Sunset Oaks would be affected that is would be a longer response time for fire truck.

Mr. Harrington said that he has reached out to the Town Managers of Apex and Fuquay Varina. Neither of their boards have taken any formal action. Apex officials are making phone calls with delegation members and Fuquay Mayor and Town Manager are reaching out to the delegation as well.

He asked if the Council consensus to assign the Mayor, Council Member and myself to call and voice opposition to our delegation.

All Council in consensus for Mayor, a Council Member and Mr. Harrington to call town's delegation.

**12. Closed Session:** The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(3) to discuss with the town attorney-client privilege a matter of possible legation the location of a sewer easement matter.

**Motion by:** Lee

**Second by:** O'Brien

**Vote:** Unanimous

In closed session, the Council heard a report of a potential legation from a homeowner regards to the location of a sewer easement, located on her property in Holly Glen.

Ms. Parrish said that staff has made an inspection to the site and gave options to the Council and received direction.

Taking no further action, Councilwoman Lee made a motion to return to open session and seconded by Councilman Berry, the vote was unanimous.

**13. Adjournment:** There being no further business for the evening, Councilwoman Kelly motion to adjourn the Dec. 4, 2018 meeting of the Holly Springs Town Council and second by Councilwoman Lee the vote was unanimous.

Respectfully Submitted on Tuesday, Dec. 18, 2018.

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Linda R. Harper, NCCMC  
Deputy Town Clerk

Addenda pages as referenced in these minutes follow and are a part of the official record.

